

91ST CONGRESS	}	HOUSE OF REPRESENTATIVES	}	REPORT
2d Session				No. 91-992

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## FEDERAL EMPLOYEES SALARY ACT OF 1970

APRIL 9, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. UDALL, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H.R. 16844]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

### AMENDMENTS

The amendments are as follows:

- (1) Page 2, line 24, strike out the quotation marks.
- (2) Page 3, lines 7 and 8, strike out "the date on which adjustments become effective under this section," and insert in lieu thereof "December 27, 1969,".
- (3) Page 3, line 13, strike out the quotation marks.
- (4) Page 3, line 16, strike out the quotation marks.
- (5) Page 3, line 18, strike out the quotation marks.
- (6) Page 3, line 21, strike out the quotation marks.
- (7) Page 3, line 25, strike out "Parliamen-" and all that follows down through the period in line 3 on page 4 and insert in lieu thereof the following: "Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.".
- (8) Page 4, line 4, strike out the quotation marks.
- (9) Page 4, line 19, strike out the quotation marks.
- (10) Page 5, line 1, strike out the quotation marks.
- (11) Page 5, line 2, strike out "an executive agency" and insert in lieu thereof "the Federal Government".
- (12) Page 12, line 2, strike out "December" and insert in lieu thereof "December".

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 1(b) OF THE ACT OF AUGUST 25, 1958**

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(b) The Administrator of General Services shall, without regard to the civil service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed **[\$80,000]** \$96,000 per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

**Section 11-702 of the District of Columbia Code**

(a) The District of Columbia Court of Appeals shall consist of a chief judge and five associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery, and Prince Georges Counties in Maryland, Arlington, and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

(2) has been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to his appointment.

(c) Each judge shall be appointed or reappointed for a term of 10 years, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of **[\$29,000]** \$36,500, and each associate judge shall receive an annual salary of **[\$28,500]** \$36,000.

**Section 11-902 of the District of Columbia Code**

(a) The District of Columbia Court of General Sessions shall consist of a chief judge and 22 associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least 5 years prior to his appointment; and

ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10 (or, for a position described in section 5542(a)(3) of this title, of the basic pay of the position), by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night, Sunday, or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

[(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night, on Sundays, and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of night, holiday, Sunday, and unscheduled overtime duty required in the position.]

*(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.*

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## Chapter 59.—ALLOWANCES

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### SUBCHAPTER IV.—MISCELLANEOUS ALLOWANCES

5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.

[5942. Allowance based on duty on California offshore islands or at Nevada Test Site.]

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(2) has been a member of the bar of the District of Columbia for a period of at least 5 years, and, for a period of at least 5 consecutive years immediately prior to his appointment, either has been actively engaged in the practice of law or has been employed as an attorney in the District in the Government of the United States or in the government of the District of Columbia.

(c) Each judge shall be appointed or reappointed for a term of 10 years each, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of ~~[\$28,000]~~ \$34,500, and each associate judge shall receive an annual salary of ~~[\$27,500]~~ \$34,000.

#### Section 47-2402 of the District of Columbia Code

The Commissioners shall appoint a board of one person, subject to removal by the Commissioners, to be called the Board of Tax Appeals for the District of Columbia, which person shall be a citizen of the United States. Such person shall be appointed for the term of 10 years, except such appointment as may be made for the remainder of an unexpired term. Any vacancy caused by death, resignation, or otherwise shall be filled by the Commissioners only for an unexpired term. Such person shall be eligible for reappointment. Such person shall be an attorney and in active practice of law for at least 10 years next preceding his appointment.

The salary of such person so appointed shall be ~~[\$27,500]~~ \$34,000 per annum. The commissioners are authorized to employ such other personal services as may be necessary to carry out the provisions of this chapter and to provide for the expenses of the board. The salaries of employees other than the Board shall be fixed in accordance with section 305, chapter 51, subchapter III of chapter 53, and sections 5341, 4342, 5509, and 7154 of title 5, United States Code (relating to the classification of Government employees and related matters), but such employees shall be appointed without regard to civil service requirements. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

### TITLE 5, UNITED STATES CODE

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#### Chapter 55.—PAY ADMINISTRATION

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#### SUBCHAPTER V.—PREMIUM PAY

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#### § 5545. Night, Sunday, standby, irregular, and hazardous duty differential

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(c) The head of an agency, with the approval of the Civil Service Commission, may provide that—

(1) an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than

5942. Allowance based on duty at remote worksites.  
5943. Foreign currency appreciation allowances.  
5944. Illness and burial expenses; native employees in foreign countries.  
5945. Notary public commission expenses.  
5946. Membership fees; expenses of attendance at meetings; limitations.  
5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.

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**[§ 5942. Allowance based on duty on California offshore islands or at Nevada Test Site.**

**[**Notwithstanding section 5536 of this title, an employee who is assigned to duty, except temporary duty, on one of the California offshore islands or at the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. However, the allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining the areas and groups of positions to which the rates apply.**]**

**§ 5942. Allowance based on duty at remote worksites**

*Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.*

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**§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations**

(a) *An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.*

(b) *Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—*

*(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel or*

*(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.*

(c) *The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.*

ACT OF MAY 13, 1955

(69 Stat. 48; Public Law 35, 84th Cong.)

[AN ACT

【To authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations

【*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 3 of the Act of March 5, 1928, employees of the Corps of Engineers, Department of the Army, engaged on floating plant operations may be furnished subsistence and/or quarters on vessels without charge whenever messing and/or quartering are determined to be equitable to the employees and to be necessary in the public interest in connection with such operations. Any such subsistence and quarters shall be furnished in accordance with standards prescribed by the Secretary of the Army.*】

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